



MINUTES

County Council Meeting

February 18, 2013

Spartanburg County Council met on Monday, February 18, 2013, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: Honorable Jeff Horton, Chairman; Honorables Michael Brown, O'Neal Mintz, David Britt, Jane Hall, Dale Culbreth, and Roger Nutt, Council Members; along with Katherine Hubbard, County Administrator; Jim Hipp, Deputy County Administrator; Lisa Claxton, County Attorney; John Harris, Senior Deputy County Attorney; and Ginny Dupont, Deputy County Attorney.

In compliance with the Freedom of Information Act, notice of this meeting was provided in advance to the local news media and other interested parties.

I.

Chairman Horton called the meeting to order.

Invocation was rendered by Chaplain Jerry Clevenger. Chief Larry Brady, North Spartanburg Fire Department, led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Mintz to adopt a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Boiling Springs High School Cheerleaders as the Regional and State Champions. Motion seconded by Mr. Britt and carried. Cheerleading Coach Tina Svenson and Boiling Springs Cheerleaders received Resolution.

III.

Ms. Hubbard recognized Todd Carroll, Jim Nelson, and Steve Lawson, Public Works, for the work done on Westmoreland Road.

IV.

- A. Chairman Horton declared open a public hearing to consider an Ordinance to amend the Unified Land Management Ordinance, Ordinance No. O-99-015, as amended, to specify the residential setback is measured to the property line for certain uses, to add a twenty-five setback from the side and rear property lines for mining operations, and to make housekeeping corrections to Tables 3a and 3b. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the **City of Spartanburg** to the Spartanburg County Election Commission; to define the powers, duties and responsibilities assumed by the Spartanburg County Election Commission for the conduct of Municipal Elections in the City of Spartanburg to provide for reimbursement of all costs and expenses incurred by the Spartanburg County Election Commission in the conduct of such municipal elections; and to provide for other matters relating thereto. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Spartanburg County, South Carolina and **Benteler Automotive Corporation** with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto. No one appeared, and the matter was closed.

V.

Economic Recruitment and Development Committee – (Honorable David Britt, Chairman)

- A. Motion made by Mr. Britt to render first reading to an Ordinance to grant a Utility Easement to Piedmont Natural Gas Company, Inc. Motion seconded by Mr. Nutt and carried.

Public Health and Human Services Committee (Honorable Roger Nutt, Chairman)

- A. Mr. David Forrester, Director, Spartanburg Alcohol and Drug Abuse Commission, presented information in reference to a Drug Free Communities Grant which is at no cost to Spartanburg County. Motion made by Mr. Nutt to approve a Drug Free Communities Grant application. Motion seconded by Mr. Culbreth and carried.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Updated financial data and personnel vacancy reports were received.

Livability Committee – (Honorable Jane Hall, Chairman)

- A. Todd Stephens, County Librarian, and Mary Speed Lynch, Library Board Chair, presented an update on Spartanburg County Public Libraries. (Presentation included in backup)
- B. Jennifer Evins, President, presented an update on the Chapman Cultural Center and the Arts Partnership. (Handout included in backup)
- C. Eric Davis, Project Manager, Parks Department, presented a Report of findings and recommendations on Clifton 2 Mill site. Motion made by Mr. Britt for the County Administrator to participate in negotiations to purchase Clifton 2 Mill site. Motion seconded by Mr. Mintz and carried.
- D. Eric Davis, Project Manager, presented information in reference to a Contract with S.C. Department of Natural Resources to use "Cherokee Springs" park site as a dove hunting field. Motion made by Mr. Britt to authorize the County Administrator to enter into a contract with S.C. Department of Natural Resources. Motion seconded by Mr. Mintz and carried.
- E. Information received regarding activities of the Parks Department.

Public Safety and Judiciary Committee – (Honorable Michael Brown, Chairman)

- A. Ms. Hubbard presented information in reference to the Greenville County Animal Services Contract. Motion made by Mr. Brown to authorize the County Administrator to enter into a one-year contract with the understanding that there would be discussions and a definitive timeline coming from our upcoming Budget Work Session with an additional possibility of having it renewed thereafter. Motion seconded by Mr. Culbreth. Ms. Hall stated that our Animal Control Department has responded to concerns and our process has gone quite well. Motion made by Ms. Hall to amend the motion to enter into a two-year contract with the Greenville County Animal Services Program with the option to withdraw from this contract. Motion seconded by Mr. Mintz. Mr. Mintz stated that he certainly expected Ms. Hubbard to continue to look for a place for a convenient drop off point for the citizens that may have a stray animal. Mr. Mintz stated that he has not had any complaints about this. Mr. Britt stated it is our responsibility to take care of the animals in Spartanburg County and agreed with the one-year contract. Chairman Horton stated the Humane Society requested we do something else with our animals starting in April of 2011. We were paying \$56,250, and they wanted to take that monthly expenditure to \$75,000. In 2009, the County's revenue and budget was \$91,644,000. In 2010, our numbers were \$85,800,000. In 2011, our numbers were \$82,610,000. This past

year our budget was \$82,388,000. Chairman Horton stated in his opinion the agreement with Greenville County has been productive. It gives us a little more breathing room to decide what to do on a permanent structure. With those facts, Chairman Horton stated that he is in favor of a two-year agreement. Mr. Brown thanked Mr. Nelson for all his staff does to take care of animal concerns. Mr. Brown asked if the County could withdraw from the agreement prior to the end of the two years. Ms. Hubbard stated that she will make sure it is clear in the agreement that there will not be a penalty for leaving the agreement early. Chairman Horton stated that one of the reasons that Greenville County went up to \$29,000 was mainly because the Legislature will no longer allow them to use inmate labor for certain activities. They now have to hire inmates to do those activities. Mr. Mintz called the question. Amendment passed to enter into a two-year contract with the Greenville County Animal Services Program with the option to withdraw from the contract. Mr. Britt, Mr. Culbreth, and Mr. Nutt opposed. Motion to continue to contract with Greenville County for two years carried. Mr. Britt, Mr. Culbreth, and Mr. Nutt opposed.

- B. Updated information received regarding activities of Building Codes Department.

Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Motion made by Mr. Horton to render second reading to an Ordinance to amend the Unified Land Management Ordinance, Ordinance No. O-99-015, as amended, to specify the residential setback is measured to the property line for certain uses, to add a twenty-five foot setback from side and rear property lines for mining operations, and to make housekeeping corrections to Tables 3a and 3b. Motion seconded by Ms. Hall and carried.
- B. Motion made by Mr. Horton to render first reading to an Ordinance amending the Spartanburg County Unified Land Management Ordinance, Ordinance Number O-99-015, as amended, to clarify the requirements for parking lot paving materials, to clarify and update standards and requirements for Flea Markets, Swap Meets and Open Air Markets, and to clarify certain associated definitions. Motion seconded by Mr. Mintz and carried.
- C. Updated Planning Department Reports on Development Activity were received.

Public Works, Buildings and Grounds Committee (Honorable O'Neal Mintz, Chairman)

- A. Updated information received regarding activities of the Public Works Department.

VII.

Judy Caton, 430 Glen Crest Drive, Moore, appeared to state that transparency is important to the Citizens of Spartanburg. She also feels it is very important that we get a fulltime Parks and Recreation Director that has the forward thinking vision our County needs.

VIII.

- A. Third reading to an Ordinance authorizing the execution and delivery of a fee-in-lieu of tax agreement between Spartanburg County and **Lockhart Power Company** and other matters relating thereto including without limitation payment of a fee-in-lieu of taxes was carried over.
- B. Motion made by Mr. Britt to render third reading to an Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina and **Contec, Inc.**, with respect to certain economic development property, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto. Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Culbreth to render third reading to an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the **Town of Lyman** to the Spartanburg County Election Commission; to define the powers, duties and responsibilities assumed by the Spartanburg County Election Commission for the conduct of Municipal Elections in the Town of Lyman to provide for reimbursement of all costs and expenses incurred by the Spartanburg County Election Commission in the conduct of such municipal elections; and to provide for other matters relating thereto. Motion seconded by Mr. Britt and carried.
- D. Motion made by Mr. Britt to render second reading to an Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Spartanburg County, South Carolina and **Benteler Automotive Corporation** with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto. Motion seconded by Mr. Nutt and carried.
- E. Motion made by Mr. Nutt to render second reading to an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the **City of Spartanburg** to the Spartanburg County Election Commission; to define the powers, duties and responsibilities assumed by the Spartanburg County Election Commission for the conduct of Municipal Elections in the City of Spartanburg to provide for reimbursement of all costs and expenses incurred by the Spartanburg County Election Commission in the conduct of such municipal elections; and to provide for other matters relating thereto. Motion seconded by Mr. Britt and carried.

- F. Motion made by Mr. Culbreth to render second reading to an Ordinance amending Section 2(g) of Spartanburg County Ordinance O-12-08 regarding the transfer of Authority for conducting Municipal Elections from the **Town of Duncan** to the Spartanburg County Election Commission as to certain filing requirements for such elections. Motion seconded by Mr. Britt and carried.

XIII.

No items scheduled.

IX.

All resolutions, ordinances, agreements, petitions and related documents which were read and approved by Council at this meeting for the financing of certain industrial or similar revenue bonds or notes, are incorporated in these minutes by reference as if fully set forth herein. The reference is to all such documents showing execution by the county on the date of this meeting included in the office of the Clerk of Court for Spartanburg County.

X.

- A. The following Budget Amendment Resolutions were provided to County Council. Budget Amendment Number 13150 to reclassify the Soil and Water Conservation District's position from Administrative Secretary (slot SWC1) to Conservation District Coordinator. Budget Amendment Number 13151 for expenses related to the relocation of the Upstate WIB's One-Stop Spartanburg Office, SC Works, to Spartanburg Community College's downtown location (Evans Building) in the late summer/early fall. Budget Amendment Number 13152 to recognize FEMA fire grant revenue and provide for expenditures related to the FCC 2013 Mandate.

Motion made by Ms. Hall to adopt Budget Amendment Resolutions provided to Council. Motion seconded by Mr. Mintz and carried.

XI.

Motion made by Mr. Mintz to approve minutes of January 28, 2013 (Regular Meeting). Motion seconded by Ms. Hall and carried.

XIII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: 
Jeffrey A. Horton, Chairman

Attest:

Deborah C. Ziegler
Clerk to Council